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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/714,326	11/16/2000	Janin Pascal	00-GR-241	4342	
23334	7590 09/24/2004		EXAMINER		
FLEIT, KAI	FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI			IQBAL, NADEEM	
& BIANCO P	P.L. COMMERCE CENTER		ART UNIT	PAPER NUMBER	
551 NORTHV	WEST 77TH STREET, SUI	TE 111	2114	<i>₹</i>	
BOCA RATC	ON, FL 33487		DATE MAILED: 09/24/200-	4	

Please find below and/or attached an Office communication concerning this application or proceeding.



		A	\wedge			
	Application No.	Applicant(s)	IN			
•	09/714,326	PASCAL, JANIN	9			
Office Action Summary	Examiner	Art Unit	-			
	Nadeem Iqbal	2114				
The MAILING DATE of this communication a Period for Reply	ppears on the cover sheet wit	h the correspondence address	•			
A SHORTENED STATUTORY PERIOD FOR REP THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a re - If NO period for reply is specified above, the maximum statutory perion - Failure to reply within the set or extended period for reply will, by state the provided by the Office later than three months after the main earned patent term adjustment. See 37 CFR 1.704(b).	 In no event, however, may a re eply within the statutory minimum of thirty of will apply and will expire SIX (6) MONT oute, cause the application to become AB/ 	rply be timely filed r (30) days will be considered timely. IHS from the mailing date of this communicat ANDONED (35 U.S.C. § 133).	tion.			
Status						
1) Responsive to communication(s) filed on						
2a)⊠ This action is FINAL . 2b)☐ Th	nis action is non-final.					
3) Since this application is in condition for allow	vance except for formal matte	ers, prosecution as to the merits	is			
closed in accordance with the practice under	r <i>Ex parte Quayle</i> , 1935 C.D.	. 11, 453 O.G. 213.				
Disposition of Claims						
4)⊠ Claim(s) <u>1-47</u> is/are pending in the application	on.					
4a) Of the above claim(s) is/are withdo	rawn from consideration.					
5) Claim(s) is/are allowed.						
6) Claim(s) 1-4,7-9,12-18,21-23,25-31,34-36 ai)⊠ Claim(s) <u>1-4,7-9,12-18,21-23,25-31,34-36 and 39-47</u> is/are rejected.					
7) Claim(s) <u>5,6,10,11,19,20,24,32,33,37 and 38</u>	<u>₿</u> is/are objected to.					
8) Claim(s) are subject to restriction and	l/or election requirement.					
Application Papers						
9) The specification is objected to by the Exami	ner.					
10) The drawing(s) filed on is/are: a) a		by the Examiner.				
Applicant may not request that any objection to the	ne drawing(s) be held in abeyan	ce. See 37 CFR 1.85(a).				
Replacement drawing sheet(s) including the corre	ection is required if the drawing(s) is objected to. See 37 CFR 1.12	1(d).			
11) The oath or declaration is objected to by the	Examiner. Note the attached	Office Action or form PTO-152.	•			
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign	gn priority under 35 U.S.C. §	119(a)-(d) or (f).				
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority docume	ents have been received.					
2. Certified copies of the priority docume	ents have been received in Ap	oplication No				
3. Copies of the certified copies of the pr	riority documents have been	received in this National Stage				
application from the International Bure	eau (PCT Rule 17.2(a)).					
* See the attached detailed Office action for a li	st of the certified copies not	received.	<i>)</i>			
Attachment(s)		NADEEM IOBAL				
1) Notice of References Cited (PTO-892)	4) Interview S	PRIMARY EXAMINE ummary (PTO-413)	R			
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	C)/Mail Date Iformal Patent Application (PTO-152)				
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/0 Paper No(s)/Mail Date	08) 5) Notice of the 6) Other:					

· Application/Control Number: 09/714,326

Art Unit: 2114

Response to Amendment

This office action is in response to an amendment filed on July 7, 2004. Rejections for claims <u>1-4,7-9,12-18,21-23,25-31,34-36 and 39-42</u> are applied for the same reasons as set forth in the previous office action paper number 6, mailed on April 7, 2004. Applicant is advised to refer the previous office action for detailed rejection of these claims.

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 43 –47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al., (U.S. Patent number 6587963).
- 3. As per claim 43, Bates et al., teaches (col. 2, lines 43-45) a method of executing a portion of a multithreaded program and monitoring threads that are executing within a selected monitored region in the program while the portion of program is executing. He thus teaches limitations pertain to a method of monitoring the activation of programmed sequences of a programmed system that comprises N programmed sequences, N being an integer greater than 1. He also teaches (col. 3, lines 44-46) that a user can specify one or more sections of one or more computer programs for which thread activity is to be monitored. He thus teaches the ability to monitor the execution of the second by the first programmed sequence. He does not explicitly disclose that each of the programmed sequences is monitored by at least one other programmed sequence. He also teaches (col. 2, lines 66, 17) that the threads to be monitored may be filtered, such as by specifying

Application/Control Number: 09/714,326

Art Unit: 2114

threads to be included or excluded. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to realize that He provides the ability for each of the programmed sequences to be monitored by at least one other programmed sequence. This is because he teaches monitoring threads that are executing within a selected monitored region and that a user can specify one or more sections of one or more computer programs for which thread activity is to be monitored. He thus provides the ability for each of the programmed sequences to be monitored by at least one other programmed sequence.

- 4. As per claims 44 & 45, He teaches (col. 3, lines 44-46) that a user can specify one or more sections of one or more computer programs for which thread activity is to be monitored. He also teaches (col. 2, lines 66, 17) that the threads to be monitored may be filtered, such as by specifying threads to be included or excluded. He thus teaches the ability to monitor each programmed sequence by each of the other programmed sequences.
- 5. As per claims 46 & 47, He teaches (col. 3, lines 44-46) that a user can specify one or more sections of one or more computer programs for which thread activity is to be monitored. He also teaches (col. 2, lines 66, 17) that the threads to be monitored may be filtered, such as by specifying threads to be included or excluded. He thus teaches the ability to monitor each programmed sequence by each of the other programmed sequences.

Application/Control Number: 09/714,326

Art Unit: 2114

Response to Arguments

Applicant's arguments filed July 7, 2004 have been fully considered but they are 1. not persuasive. Applicant alleges that Bates teaches that the threads execute concurrently, and is not the same as claimed where a program sequence is executed iteratively. The dictionary definition of word "iterative" is "a computational procedure to produce a desired result by replication of a series of operations that successively approximates the desired result". Clearly, the claims do not indicate any computational procedure being performed to produce a desired result by replication of a series of operations. Claims appear to be directed towards a monitoring procedure, which comprises at least a first and a second programmed sequences, where first programmed sequence is made to monitor the execution of a second programmed sequence and second programmed sequence is made to monitor the first programmed sequence, but without any approximation of any desired result is claimed. As such, the method of Bates method of executing a portion of a multithreaded program and monitoring threads that are executing within a selected monitored region in the program while the portion of program is executing and his further teachings that a user can specify one or more sections of one or more computer programs for which thread activity is to be monitored. He thus teaches the ability to monitor the execution of the second programmed sequence by the first programmed sequence. He also teaches that the threads to be monitored may be filtered, such as by specifying threads to be included or excluded. He therefore provides the ability for each of the programmed sequences to be monitored by at least one other programmed sequence.

Application/Control Number: 09/714,326

Art Unit: 2114

Conclusion

2. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadeem Iqbal whose telephone number is (703)-308-5228. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W Beausoliel can be reached on (703)-305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2114

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nadeen Iqbal Primary Examiner Art Unit 2114